

REMARKS

Schadlich discloses an armature 4 axially guided on a hollow cylinder 6 with a narrow gap 19 which forms a throttling gap (column 3, lines 28 and 29). Hollow cylinder 6 has a flap valve 9 secured to its inner portion. Flap valve 9 permits air entrance when the armature 4 moves downwardly and closes when the armature 4 moves upward to press the air through the narrow gap 19.

Thus, Schadlich does not disclose the use of friction to slow down the mandrel as taught by the present invention and as recited in claims 2 and 7 as originally filed. However, in a spirit of conciliation and to advance prosecution of the present application, claims 2, 3, 7 and 8 have been amended to further define the present invention in a manner to distinguish over the prior art.

Further, it would be against the express teachings of Schadlich to modify armature 4 and hollow cylinder 6 to contact each other as the narrow gap 19 is required for its taught operation. Additionally, if the Examiner contends that the construction of Schadlich can be reversed "involving only routine skill in the art", it is respectfully requested that the Examiner identify where opening 8 would be formed in the armature 4 and communicate with ambient air and how that modification would be taught or suggested by the prior art.

It is respectfully submitted that the rejections based upon Schadlich alone have been overcome for these separate and independent reasons. Favorable reconsideration is respectfully requested.

The Examiner agrees that Tanaka provides a piston holder 26' which engages with a protrusion formed on piston 14 "for the purpose of holding a piston in a return position". The reason such holder is needed in Tanaka is that it is air-pressure-operated. However, as Schadlich (and the present invention) are returned by a spring, why would it be necessary or even desirable to add a retention means as taught by Tanaka thereto? It should be appreciated that the only reason to do so would be to meet the recitations of the claims of the present application. Further, piston holder 26' of Tanaka does not function to slow down the mandrel, the function of the ring(s) of the present invention. Why would a person skilled in the art modify Schadlich using structure of Tanaka functioning in a manner not disclosed in Tanaka and destroying the operation of Schadlich?

Thus, it is respectfully submitted that the rejections based upon Tanaka have been overcome for these separate and independent reasons. Favorable reconsideration is respectfully requested.

The Examiner has cited the United States patents listed in NOTICE OF REFERENCES CITED as A-C, E and G-I and indicated consideration of the United States patents cited by applicant. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicants' nail stapler which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner and by the applicants, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 2-11, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

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